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Vermont  
Superintendents  
Association

TO: Senate Education Committee

FROM: Sue Ceglowski, Executive Director, Vermont School Boards Association  
Jeff Fannon, Executive Director, Vermont-NEA  
Jeff Francis, Executive Director, Vermont Superintendents Association  
Jay Nichols, Executive Director, Vermont Principals' Association

RE: S.219 - Use of Public Funds for Tuition and Dual Enrollment

DATE: January 25, 2022

The VSBA, Vermont-NEA, VSA and VPA thank the Committee for the opportunity to provide joint testimony on Draft 2.1 of S.219, a bill addressing the use of public funds for tuition and in dual enrollment programs.

To address the issues raised in this bill appropriately, we believe it is prudent to wait until the United States Supreme Court issues an opinion in *Carson v. Makin*. We have spoken with national experts, including Professor Derek Black (Constitutional Law Professor at University of South Carolina School of Law) who indicated that there are several variations on how the Court could rule in that case. Responding in a narrow fashion in advance of the Supreme Court's decision is ill advised because the response may not coordinate well with the decision. The Court is expected to issue a decision in the late spring or early summer of 2022.

We appreciate and share the Committee's concerns that public dollars should not support discrimination in any way. Independent schools that receive public tuition dollars should be required to comply with all of the same federal and state antidiscrimination laws that are applicable to public schools. In order to address these concerns fully and appropriately, we ask the Committee to wait until the next legislative session to advance a bill on this topic.